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EXAMINER	
ROSARIO, DENNIS	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to After Final Amendment

1. Applicant's arguments, see remarks, pages 6-8, filed 3/6/08, with respect to the rejection(s) of claim(s) 1-10 under 102(e) in view of Garakani have been fully considered and are persuasive. However, the rejection can be maintained.

Regarding page 6 that discusses paragraph [0187] and states that the paragraph has nothing to do with a user defining any locations within images. The examiner agrees. The portion of [0187] that states "events taking place" was taken out of context; however, such a phrase of "events taking place" is suggestive that an event has an associated place.

Regarding page 7, lines 1,2 that state that an algorithm locates objects, not a user. The examiner agrees. However, the issue of inherency arises since an algorithm was used to locate objects which imply that a user can locate objects, too, even though Garakani does not explicitly state that a user can locate objects. A reason must have been presented in Garakani so that an algorithm and not a user locates objects. Garakani primarily provides an automated system with little user interaction because Garakani's method for "organismal development" in [0257], line 12 or "embryonic development" in [0257], line 15 "is not readily amendable to continuous human observation" in [0257], lines 12-14, because a user cannot reasonably continuously observe the developments that span over a period of months. Thus, an "automated system" in [0257], lines 14,15 was developed to alleviate the user from functions of continuous observation so that the automated system can continually observe instead of the user. One such automated observation function is locating objects as applicants have admitted on page 7, lines 1,2 of the remarks. So the issue of inherency is valid since the automated system that locates objects can inherently be done by a user since the automated system was designed to replace the user. In other words, anything that is automated can be done manually as discussed in the following, below.

Regarding page 7, lines 3-10 state that a user does not locate dark spots in fig. 1,num. 107. The examiner agrees, however, a user function of locating objects such as the dark spot was automated as indicated in fig. 1,num. 104 that shows two dark spots that were automatically located using "exemplary and watershed frames as landmarks…that mark the location of events of interest" in [0236], lines 13-16. Thus, if an automated system uses frames as a mark for location of events of interest, a user can reasonable mark a frame such as the one fig. 1,num. 107 based on an observation of frames, fig. 1,num. 108 to locate events of interest, too. However, such a method of a user continuously observing the frames of fig, 1, num. 108 and 107 as described previously was not readily amendable to the user.

Regarding page 7, lines 20,21 that states that Garakani does not have the element of a user defining virtual reference subjects and defining regions.

The examiner respectfully disagrees since Garakani provides an automated system that marks the location of interest as discussed in [0236]. Thus, anything that is automated can be performed by a user. Such as a user that can mark a location of interest, however, due to not readily amendable features of the long term observation of a user, the marking method was automated.

Regarding page 7 ,lines 22,23 that states that Garakani does not disclose claim 1 a user defining virtual reference subjects or locations within acquired images in order to define regions. The examiner respectfully disagrees since Garakani provides an automated system that locates events of interest in order to define regions by marking the events of interest that covers a region or frame can manually be done by a user that marks a location of interest that is a part of a frame or region.

Regarding page 7, lines 23,24 that states that Garakani does not disclose applying the identified optical flux or path to the locations. The examiner respectfully disagrees since Garakani teaches “cell…paths” in [0206], lines 10-12 using the center which corresponds to a marking of the location of interest so that the cell paths can be used to “predict cell…dispersion” in [0206], lines 1-10.

Regarding page 7, lines 24,25 state that Garakani does not disclose performing interactions on the location modified with a path or track. The examiner respectfully disagrees since Garakani does interact with the location or center modified with a cell path since the center along with the associated path is used to make predictions of where a cell can go.

/Dennis Rosario/

Examiner, Art Unit 2624